

REMARKS

In the Office Action of January 17, 2006, the Examiner indicated that claim 3 is allowed and that claim 10 would be allowed if written in independent form. At this time, Applicant does not wish to place claim 10 in independent form, rather, Applicant argues for the allowance of claim 10 as depending from an allowable base claim, namely, Claim 4. Applicant has also submitted a new claim 11 for consideration.

The Examiner has rejected claims 4, 5 and 7-9 as being anticipated by Japanese Patent No. JP 02000037250 to Hasegawa. While Hasegawa does disclose a support structure, it is quite clear that it does not relate to a lid support, and, further, does not disclose a “serrated edge” as that element should be interpreted in light of the present specification. Particularly, “serrated” has multiple means, as indicated in the attached photocopy of the entry for “serrated” in the Oxford Desk Dictionary and Thesaurus, American Edition, Berkley Books, New York, 1997. As seen in that enclosure, serrated can connote a “sawlike edge,” which is generally what would be understood from a reading of the present specification. This sawlike edge can cut, and this is understood, because, with specific reference to the present preferred embodiment of the invention the serrated leg is used to cut the cheese of a pizza. “Serrated” can also connote a simple “notched” structure, and it is that structure, not a sawlike, cutting-type structure that is disclosed in the Hasegawa reference. There is no indication in Hasegawa that the legs of the platform are intended to be used to cut anything, and the Examiner’s interpretation that a cutting function is inherent in Hasegawa is not well taken. Hasegawa simply teaches legs that are notched so that their connection to the support surface can be adjusted to hold the support platform at differing angles with respect to a surface on which the legs rest. This distinction has been clarified by changing claim 4 and other relevant claims to include a “cutting edge” rather than a “serrated edge.” Because Hasegawa does not teach or suggest a cutting edge, as claimed, Applicant respectfully requests reconsideration of the allowability of claim 4 and all claims depending therefrom.

The Examiner has rejected claims 6 and 9 as being unpatentable over Hasegawa in view of Liang 5,778,800. The Examiner turns to Liang for the provision of a grasping member as a hole. The Examiner claims it would have been obvious to modify the support platform of Hasegawa to include a hole to facilitate grasping. In light of the fact that Liang is directed to a folding collapsible table, and further in light of the fact that it is highly unlikely that a hole in a table would be used as a grasping member, Applicant must respectfully disagree with the Examiner's obviousness rejection.

Liang is the epitome of nonanalogous art. A folding collapsible table would not be referred to in order to solve problems in the art of supporting a lid off of an item of food or other item. Additionally, the hole in the table of Liang is hardly a grasping member as in claims 5 and 6. The "grasping member" of claims 5 and 6 is understood as providing a means for a user to use the lid support as a hand tool. This is understood by the use of "handle" in the claims and further from the description of the invention in the specification. There is no way that the hole in the table of Liang can be used as a handle. No one's hand is large enough, and arguably most people are not strong enough to use the hole in the table of Liang to manipulate the table as a hand tool. That is, there is no way that the hole in the table of Liang can be used as or considered to form a handle. Additionally, Liang does not teach or suggest the use of a hole to create a grasping member. Applicant submits this argument in addition to the argument that Hasegawa does not satisfy the elements of base claim 4. Reconsideration is respectfully requested.

A new claim 11 has been added. This claim includes elements of a pizza box, pizza and box lid, and it is believed that this claim is allowable over the prior art. Consideration of this claim is respectfully requested.

In light of the foregoing, Applicant respectfully requests reconsideration of all pending claims, and a Notice of Allowance for the same is earnestly solicited. Should the Examiner wish to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

In the event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 18-0987.

Respectfully submitted,



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viz: to publish or pro-

serve /sərv/ • **v.** **1** *tr.* do a service for (a person, community, etc.). **2** *tr.* (also *absol.*) be a servant to. **3** *intr.* carry out duties. **4** *intr.* **a** be employed in (an organization, the armed forces, etc.). **b** be a member of the armed forces. **5** **a** *tr.* be useful; meet the

ser·vi·tude /sér·vītōd, -tyōd/ *n.* 1 slavery;
2 subjection (esp. involuntary); bondage.